



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
ASSISTANT SECRETARY AND COMMISSIONER OF
PATENTS AND TRADEMARKS
Washington, D.C. 20231

Paper No. 12

COPY MAILED

JUL 25 2000

**SPECIAL PROGRAMS OFFICE
DAC FOR PATENTS**

ON PETITION

Lahive & Cockfield
28 State Street
Boston, MA 02109

In re Application of
Seishi Kato et al.
Application No. 09/284,320
Filed: June 21, 1999
Attorney Docket No. GIN-6705CPUS

This is a decision on the petition under 37 CFR 1.137(b), filed June 28, 2000, to revive the above-identified application.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to reply in a timely manner to the Notice to Comply with Requirements for Patent Applications Containing Nucleotide Sequence and/or Amino Acid Sequence Disclosures (Notice) mailed September 29, 1999. The Notice set a period for reply of one (1) month from the mail date of the Notice. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the above-identified application became abandoned on October 30, 1999.

An extension of time under 37 CFR 1.136 must be filed prior to the expiration of the maximum extendable period for reply. See In re Application of S., 8 USPQ2d 1630, 1631 (Comm'r Pats. 1988). Accordingly, since the \$1850 extension of time submitted with the petition on June 28, 2000 was subsequent to the maximum extendable period for reply, this fee is unnecessary and will be credited to petitioner's deposit account.

The Associate Power of Attorney received June 28, 2000 has been accepted.

The application file is being forwarded to Technology Center 1600.

Telephone inquiries concerning this decision should be directed to Latrice Bond at (703) 308-6911.

Latrice Bond
Paralegal Specialist
Office of Petitions
Office of the Deputy Assistant Commissioner
for Patent Policy and Projects

UNITED STATES PATENT & TRADEMARK OFFICE
Washington, D.C. 20231

<div style="float: left; margin-right: 10px;">7/24/00</div> REQUEST FOR PATENT FEE REFUND			
1 Date of Request: 09/28/99		2 Serial/Patent #	
3 Please refund the following fee(s):	4 PAPER NUMBER	5 DATE FILED	6 AMOUNT
<input type="checkbox"/> Filing			\$
<input type="checkbox"/> Amendment			\$
<input checked="" type="checkbox"/> Extension of Time	#10	6-28-00	\$ 1850. ⁰⁰
<input type="checkbox"/> Notice of Appeal/Appeal			\$
<input type="checkbox"/> Petition			\$
<input type="checkbox"/> Issue			\$
<input type="checkbox"/> Cert of Correction/Terminal Disc.			\$
<input type="checkbox"/> Maintenance			\$
<input type="checkbox"/> Assignment			\$
<input type="checkbox"/> Other			\$
		7 TOTAL AMOUNT OF REFUND	\$ 1850. ⁰⁰
10 REASON:		8 TO BE REFUNDED BY:	
		<input type="checkbox"/> Treasury Check	
		<input checked="" type="checkbox"/> Credit Deposit A/C #:	
		9 12--0080	
<input type="checkbox"/> Duplicate Payment			
<input type="checkbox"/> No Fee Due (Explanation):			
Extension of time filed after six-month statutory period from the date of the September 29, 1999 Office action.			
11 REFUND REQUESTED BY:			
TYPED/PRINTED NAME:		TITLE: PS	
SIGNATURE: <i>[Signature]</i>		PHONE: 3086911	
OFFICE: Office of Petitions			
***** THIS SPACE RESERVED FOR FINANCE USE ONLY: *****			
APPROVED: <i>[Signature]</i>		DATE: 7/25/00	

Instructions for completion of this form appear on the back. After completion, attach white and yellow copies to the official file and mail or hand-carry to:

Office of Finance
Refund Branch
Crystal Park One, Room 802B